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7 UNITED STATES BANKRUPTCY COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN FRANCISCO DIVISION

10 IN RE:

Case No.: 16-30196

11 CHUAN TANG,

Chapter 7

12 Debtor

OPPOSITION TO MOTION FOR RELIEF
FROM AUTOMATIC STAY TO COMPLETE
PENDING STATE COURT LITIGATION AND
REQUEST FOR SANCTIONS

13 Date: April 7, 2016

14 Time: 9:30 AM

15 Ctrm: 17

16 Judge: Hon. Dennis Montali

17
18 CHUAN TANG (“Debtor”) hereby files opposition to creditor FRANCISCO GUACAMAYA
19 GARCIA’s MOTION FOR RELIEF FROM AUTOMATIC STAY TO COMPLETE PENDING
20 STATE COURT LITIGATION AND REQUEST FOR SANCTIONS.

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23 RELIEF FROM THE AUTOMATIC STAY SHOULD NOT BE GRANTED BECAUSE THIS
24 IS A NO ASSET CASE AND THERE IS NO REASON TO BRING STATE COURT ACTION
25 TO TRIAL.

26
27 Contrary to movant’s assertion, Debtor has not removed the state court action to this court.
28 Movant has the facts wrong. Movant’s argument that it is more economical to proceed with the
action in the state court versus litigation in the bankruptcy court is misplaced. Furthermore,

1 Movant admits that this is a no asset case and that there is no money to be distributed to the
2 creditors. Based on this assumption that there is no asset, it is meaningless to go to trial. Even if
3 Movant obtains a money judgment, debtor's estate has no asset to pay. Movant argues that
4 relieve from stay is required to liquidated his claim, but if debtor's estate has no asset to
5 distribute to creditors, it makes no difference whether movant's claim is liquidated or
6 unliquidated.

7 Movant argues that debtor's filing was in bad faith because "Debtor filed his chapter 7 petition
8 on the eve of trial ... and immediately removed the action to the bankruptcy court." But again,
9 Debtor *did not* remove the state court action to the bankruptcy court. Movant is mistaken on the
10 facts. Debtor filed his chapter 7 petition because he is insolvent. That is not bad faith.

11 12 13 CONCLUSION

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15 Movant's motion for relief from automatic stay should be denied.

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17 Respectfully submitted

18 Dated: 3/25/16

19 /s/ Dennis Yan
20 Attorney for Debtor